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OLC 73-0090

5 February 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Legislation Concerning Newsmen's Privilege

1. Met with Hebert Fuchs, Counsel, House Committee on the Judiciary, with regard to hearings by the Committee on newsmen's privilege. In brief, Fuchs told me that there are some 28 bills before the Committee which have more than 100 sponsors and cosponsors and that the hearings starting this week will probably be continued rather expeditiously to a conclusion. Although legislation will undoubtedly be recommended to the House, there has been no formulation as yet within the Committee of any particular outline. The major issues, of course, are centered in the questions of privilege for newsmen and whether such privilege should be absolute or qualified; Federal versus State jurisdiction; what is a newsman or a reporter; and the question whether all information acquired by a newsman or only confidential information be covered. Fuchs noted that even though 20 or more States have legislation protecting newsmen or their sources, the preponderance of cases of harassment of newsmen appears to be by State and local authorities rather than Federal authorities. Of the rather extensive list of witnesses scheduled for appearance before the Committee, all appear to favor some form of legislation to grant protection. None of these witnesses appear to oppose legislative protection for the media.

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Assistant Legislative Counsel

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